

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, March 22, 2011**  
**8:00 p.m. – 9:22 p.m.**

**PRESENT:** Mayor Fellows; Councilmembers Nagle, Wojahn, Catlin, Perry, Stullich, Cook, Afzali and Mitchell.

**ABSENT:** None.

**ALSO PRESENT:** Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services; Terry Schum, Director of Planning; Steve Groh, Director of Finance; Elisa Vitale, Senior Planner.

Mayor Fellows opened the meeting at 8:00 p.m. Councilmember Wojahn led the Pledge of Allegiance.

**Minutes:** A motion was made by Councilmember Perry and seconded by Councilmember Stullich to accept the minutes of the Special Session on March 1, 2011 and the Regular Meeting on March 8, 2011. The motion passed 8 – 0 – 0.

**Announcements:**

Councilmember Nagle said today is World Water Day. Next Thursday March 31 at 7:00 p.m. there would be a meeting about the Greenbelt Metro Station Sector Plan open to all residents.

Councilmember Wojahn said on March 24 at 7:00 p.m. at Davis Hall there will be a meeting regarding an ordinance being considered by the City to assume additional zoning powers. City staff will be in attendance to respond to any questions.

Councilmember Stullich noted that March is National Colorectal Cancer Awareness Month and urged listeners to have a screening.

Councilmember Afzali announced the next event on the Experience and Enjoy College Park Tour would be held on Monday, March 28 at 7 p.m. at Seven Seas Restaurant. The guest speaker is Congressman Steny Hoyer.

Councilmember Mitchell said Envision Prince George's would have a meeting on Wednesday March 23 from 7 – 8:30 p.m. in Temple Hills about development around the County's metro stations.

**Amendments to the Agenda:** None.

**City Manager's Report:** There is no Council meeting next week because it is the fifth Tuesday of the month. The University of Maryland is doing a student housing market study. A

stakeholders meeting for City officials will be held on Monday April 4 at City Hall. He announced that the Shuttle UM and Tax Revitalization bills have both passed through the state Senate. The City is now a member of the Maryland Green Registry.

**Student Liaison Comments:** None – Mr. Burrell was absent.

**Comments from the Audience on Non-Agenda Items:**

**Major Hector Velez, District 1 Commander, Prince George’s County Police:** Major Velez introduced himself and the new District 1 Command Staff: Capt. Marc Alexander and Acting Captain Dan Weishaar. The Council welcomed the new command staff, and praised Ofc. Jaron Black, our COPS officer, and asked that he be allowed to remain in his current assignment in the City.

**Charmaine Wilson-Jones and Kristopher Jiles, Students from Parkdale High School:**

Representing the Association of Students Against Bullying Club, these students thanked the City Council for funding security cameras at Parkdale High School and said the cameras have contributed to their safety.

**Aaron Marcavitch, Anacostia Trails Heritage Area, Inc:** He is the new Executive Director of ATHA and discussed the recent reorganization and his goals for the future. He introduced Stuart Eisenberg who is the Chair of the Managing Board.

**Action Items:**

**11-O-02      Adoption of 11-O-02, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 125 “Housing Regulations”, Article I “General Provisions” By Repealing And Reenacting § 125-3 “Notification Of Violation”, And §125-10 “Responsibilities Of Owners And Occupants” To Prohibit The Location Or Use Of Furniture On A Roof And Chapter 110 “Fees And Penalties” To Provide A Penalty For Violation.**

**A motion was made by Councilmember Stullich and seconded by Councilmember Cook to adopt Ordinance 11-O-02 to amend Chapter 125 “Housing Regulations”, Article I “General Provisions” By Repealing And Reenacting § 125-3 “Notification Of Violation”, And §125-10 “Responsibilities Of Owners And Occupants” To Prohibit The Location Or Use Of Furniture On A Roof And Chapter 110 “Fees And Penalties” To Provide A Penalty For Violation.**

Councilmember Stullich said this proposed ordinance would address a problem that occurs rarely, but one that raises safety concerns for the small group of individuals who place furniture on roofs of single family homes where furniture was not intended to be placed. When combined with drinking, this could become a safety hazard.

Due to the earlier public hearing, there will be no further public comment tonight.

**The motion passed 8 – 0 – 0.**

**11-G-39      Approval of Final Design For Sunnyside Skate Park and Authorization For The City Manager To Negotiate Amendments To The Agreement with Maryland-National Capital Park and Planning Commission And To Sign The Agreement**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Nagle that the City Council approve the final design for the skateboard facility at the Sunnyside Neighborhood Park and authorize the City Manager to negotiate amendments to the Agreement with M-NCPPC for supplemental maintenance in the form of clean-up assistance and annexation into the City of College Park, and to authorize the City Manger to sign the Agreement on behalf of the City.**

Councilmember Wojahn said that the City received a grant for \$250,000 from Prince George's County thanks to former Councilmember Tom Dernoga to design and build a skateboarding facility in the northern part of the City. The City issued a Request for Proposals for design/build services and worked with a Local Project Committee to select Grindline Skateparks, Inc. Two Open Houses and several Local Project Committee meetings were conducted to gather input on the design. The final design represents a number of compromises and in his opinion is the best proposal to put forward.

**Comments from the audience:**

**Thomas Rozkowski, resident of Silver Spring:** Thanked the Council for bringing this facility to the area. Grindline is a fantastic firm and has built some of the greatest skateparks in the world.

Councilmember Perry supports the park but is bothered by its location. There must be other locations that are already in the City that would accommodate a nice skateboard facility. He mentioned the concerns expressed last week by Park and Planning about the small parking area.

Councilmember Nagle is glad to see this go forward.

Councilmember Stullich supports this proposal without reservation.

Councilmember Catlin said he hoped that the annexation of the property into the City would not hold up the project. Mr. Nagro said that Park and Planning seemed amenable to having the annexation done during the construction, but he still has to work out the details of the supplemental maintenance.

**The motion passed 8 – 0 – 0.**

**11-R-05      Approval Of A Resolution To Amend The Homeownership Grant Program To Authorize Career Firefighters And Emergency Medical Technicians Who Work In Prince George's County To Qualify For The Grant And To Expand**

**The Properties To Which The Grant Applies To Single Family Residences  
And Condominium Units That Are In Foreclosure Or Short Sale Status.**

**A motion was made by Councilmember Mitchell and seconded by Councilmember Catlin to approve 11-R-05, a resolution amending the Homeownership Grant Program to authorize career full time firefighters and full time emergency medical technicians who work in Prince George's County to qualify for the grant, and to expand the properties to which the grant applies to single family residences and condominium units that are in foreclosure or short sale status at the time of purchase.**

Councilmember Mitchell said the Homeownership Grant Program was launched in Fiscal Year 2006 to encourage conversion of single-family rental properties to owner occupancy and to encourage City employees and certified police officers to make their home in the City. Participants must agree to live in the property for a minimum of five consecutive years. Eligible grant amounts have ranged between \$5,000 and \$7,500 and to date fourteen grants totaling \$87,500 have been made. Allowing full time firefighters and EMTs who work in Prince George's County to participate in the grant program will encourage these individuals to be owner occupants in College Park. Including properties that are now in foreclosure and short sale status in the program will encourage sales of these properties and help the wellbeing of the neighborhoods in which they are situated.

**Comments from the audience:**

**William Corrigan, Chief, College Park Volunteer Fire Department:** Asked the Council to consider including the volunteer firefighters and EMTs in the grant program as well.

Councilmember Catlin said there are a lot of properties in foreclosure that aren't easily sold so it is good to include them in this program. The objective is to keep properties from sitting vacant for too long. He said the Council should adopt this tonight and then look at the issue of including the volunteer firefighters and EMTs in the future.

Councilmember Wojahn has questions about the volunteer program and would want those questions answered before changing the eligibility.

Councilmember Cook asked how long it takes someone who applies to become a member of a volunteer company. The response was six to nine months. Councilmember Cook would support the proposal to include volunteers.

Councilmember Stullich believes this is an issue the Council should consider at a future Worksession.

**The motion passed 7 – 1 – 0 (Councilmember Perry opposed).**

**11-G-37      Approval Of A Letter To The Board Of License Commissioners Regarding  
The Revocation / Forfeiture of the Liquor License for Albar, LLC t/a The  
Thirsty Turtle**

**A motion was made by Councilmember Stulich and seconded by Councilmember Mitchell to send a letter to the Board of License Commissioners for Prince George's County stating that the City will not change its prior decision to support the November 3, 2010 revocation of the liquor license issued to Albar, LLC and Alan Wanuck t/a Thirsty Turtle. City Staff is authorized to present the City's position to the Board of License Commissioners.**

Councilmember Stulich said that in November of 2010, two hearings were scheduled by the Board of License Commissioners with respect to incidents that occurred on September 23 and October 12, 2010 at the Thirsty Turtle. The liquor license for Thirsty Turtle was held by Alan Wanuck/ Albar, LLC. At the first hearing on November 3, the BOLC voted to revoke the Thirsty Turtle liquor license. A few days later, the Council voted to support that revocation. On November 10, Alan Wanuck voluntarily tendered the license back to the BOLC which the BOLC accepted as a forfeiture of the liquor license. Mr. Wanuck has requested a new hearing which has been set for April 6 requesting that the BOLC accept the tender of the license and lift the revocation of the license. The reason for the request seems to be the hope that he can obtain a liquor license in the future. The findings that led to the revocation were very serious and she urges the Council to state that they stand by their previous position.

Councilmember Catlin asked what the University of Maryland was planning to do on this. Mr. Nagro said they are not presenting an opinion.

Councilmember Stulich said she would hate for anyone to infer that because the Council did not take an action tonight that they felt somewhat less certain about their position.

Councilmember Afzali said the City has a responsibility since the incidents happened here in College Park. He wouldn't want Mr. Wanuck to get another liquor license in the City again, and unless the revocation stands, his record would be clear to allow that to happen.

Councilmember Perry said Mr. Wanuck is asking for the revocation to take second place to his forfeiture so that he can conduct business in the future. He does not want to ruin Mr. Wanuck's ability to obtain a license in the future and will not support this.

Councilmember Wojahn discussed the legal complexities of the issue. The City took a position in November of 2010 based on evidence presented by the University of Maryland Police. Mr. Wanuck was invited to present his side of the story but declined. He would not want to see Mr. Wanuck open another bar and believes the revocation was warranted.

Councilmember Nagle does not believe the City needs to restate its position, the prior position in support of revocation stands, this is a procedural matter between the BOLC and Mr. Wanuck, and taking a position at this point is unnecessary.

Councilmember Mitchell said that Mr. Wanuck was invited to speak to Council but declined, and that speaks volumes to her. She believes we should continue to state the position taken in November.

Councilmember Afzali said he heard overwhelming feedback from his constituents that the City should restate its position tonight. This is not intended to be mean spirited.

Councilmember Stullich said it gives her no pleasure to send this letter, but a liquor license is not a right, it is a privilege that carries with it responsibility that was not upheld.

**Roll call vote:**

**Aye: Mitchell, Afzali, Stullich, Wojahn.**

**Nay: Cook, Perry, Catlin, Nagle.**

**Mayor Fellows voted No to break the tie and the motion failed.**

**11-O-04      Introduction of 11-O-04, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 125 “Housing Regulations”, §125-10 “Responsibilities Of Owners And Occupants” To Prohibit The Spread Of Bamboo Onto Adjoining Properties And Chapter 110 “Fees And Penalties” To Provide A Penalty For Violation.**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Nagle to introduce Ordinance 11-O-04, An Ordinance Of The Mayor And Council Of The City Of College Park, Maryland, Amending Chapter 125 “Housing Regulations”, §125-10 “Responsibilities Of Owners And Occupants” To Prohibit The Spread Of Bamboo Onto Adjoining Properties And Chapter 110 “Fees And Penalties” To Provide A Penalty For Violation.**

Councilmember Wojahn stated that the Public Hearing would be held on April 12, 2011 at 7:45 p.m.

**11-G-40      Appointments To Boards And Committees**

**A motion was made by Councilmember Perry and seconded by Councilmember Wojahn to reappoint Winston Hazard to the Veterans Memorial Improvement Committee. The motion carried 8 – 0 – 0.**

**Council Comments:**

Councilmember Catlin discussed his plans to attend the International Town Gown Association Conference in Colorado at the end of May.

Councilmember Wojahn asked for a future Worksession discussion about concerns with the Hollywood Post Office.

Councilmember Nagle raised her concerns about the incomplete WSSC work. She said the issues that have delayed the traffic light at Hollywood Road and US 1 have been resolved.

Councilmember Mitchell requested a future Worksession discussion about scheduling a table top exercise of the City's Emergency Preparedness Plan.

**Comments from the Audience:** None.

**Adjournment:** A motion was made by Councilmember Afzali and seconded by Councilmember Stullich to adjourn the regular meeting and reconvene in Executive Session to consult with Counsel on a legal matter and to consider matters that relate to collective bargaining negotiations. The motion passed 6 – 2 – 0 (Nagle and Perry opposed) and the regular meeting was adjourned at 9:22 p.m.

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Janeen S. Miller, CMC  
City Clerk

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Date  
Approved

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Pursuant to §C6-3 of the College Park City Charter, at 9:22 p.m. on March 22, 2011 in the Council Chambers at City Hall, a motion was made by Councilmember Afzali and seconded by Councilmember Stullich to enter into an Executive Session for the following reasons:

- G) Consult with Counsel on a Legal Matter
- I) Consider Matters That Relate To Collective Bargaining Negotiations

The motion passed 6 – 2 – 0 (Nagle and Perry opposed) and the Executive Session convened at 9:28 p.m.

**Present:** Mayor Fellows, Councilmembers Nagle, Wojahn, Catlin, Perry, Stullich, Cook, Afzali and Mitchell.

**Absent:** None.

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**Also Present To Consult With Counsel On A Legal Matter:** Joe Nagro, City Manager; Suellen Ferguson, City Attorney; Steve Groh, Director of Finance; Janeen Miller, City Clerk; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services

**Topics Discussed:**

- 1) The City Attorney advised Council about the speed camera enforcement program.
- 2) The City Attorney advised Council about what can be said publicly in an ongoing legal case.
- 3) The City Attorney provided an update on an ongoing legal case with a business in the City.
- 4) The City Attorney reviewed the status of a negotiation for real estate.

**Actions Taken:** None

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**Also Present To Consider Matters Related To Collective Bargaining Negotiations:** Joe Nagro, City Manager; Steve Groh, Director of Finance.

**Topic Discussed:** The City Manager updated the Council on collective bargaining negotiations. He discussed cost-of-living-adjustment recommendations for next fiscal year.

**Actions Taken:** None

**Adjourn:** A motion was made by Councilmember Afzali and seconded by Councilmember Nagle to adjourn the Executive Session. Mayor Fellows adjourned the Executive Session at 10:55 p.m. with a vote of 8 – 0 - 0.